

**MEMO ENDORSED**

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February 27, 2015

**By ECF**

Honorable Valerie E. Caproni  
United States District Court  
Southern District of New York  
40 Foley Square, Room 240  
New York, NY 10007

Re: *Adkins et al. v. Morgan Stanley et al.*, No. 1:12-cv-7667 (VEC) (GWG)

Your Honor:

Pursuant to this Court's Individual Practices in Civil Cases, ¶ 1.C, Defendants respectfully request that the class certification hearing set for Wednesday, March 11, 2015, be adjourned to a date in April 2015. This is the first request for an adjournment of the hearing date. Defendants make this request due to conflicting commitments of lead counsel David Ogden and Noah Levine on the currently scheduled March 11 date and in the weeks thereafter. Specifically:

- Mr. Ogden and Mr. Levine both have longstanding previous commitments on the date of March 11. Mr. Levine has an oral argument in California state court on that day and Mr. Ogden has a speaking commitment.
- Mr. Ogden will be unavailable from Friday, March 13, through Saturday, March 21, to conduct a week-long hearing in London in a long-running, complex international arbitration matter.
- Mr. Levine has a previous personal commitment, a family vacation out of state, scheduled from Wednesday, March 18, through Monday, March 23.
- Mr. Levine has a two-day mediation scheduled for Thursday, March 26 and Friday, March 27.
- Mr. Ogden has a previous personal commitment, a family vacation out of state, scheduled from Sunday, March 22, through Wednesday, April 1.<sup>1</sup>

<sup>1</sup> Mr. Ogden and Mr. Levine also have commitments earlier than the currently-scheduled March 11 date. Mr. Ogden has a mediation scheduled for March 4 through 6, and Mr. Levine has a court of appeals argument on March 4.

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Counsel for Defendants have conferred with counsel for Plaintiffs, and both sides could be available for a hearing on April 9, 10, 13, 14, and 15. Plaintiffs' counsel does not oppose this request.

Thank you for your consideration of this request.

Sincerely,

/s/ David W. Ogden

David W. Ogden

Based on defense counsel's unavailability as discussed in this letter and in a joint phone call with Chambers, the hearing previously scheduled for March 11, 2015, is adjourned until April 9, 2015, at 10:00 a.m., in Courtroom 443 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, NY 10007.

SO ORDERED.

A handwritten signature in blue ink that reads "Valerie Caproni". The signature is fluid and cursive, with "Valerie" on the left and "Caproni" on the right, separated by a small gap.

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

Date: February 27, 2015